

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL THOMAS DAVITT,

Plaintiff,

vs.

DR. MITZER,

Defendant.

Case No. 2:14-cv-01504-GMN-CWH

ORDER

This matter is before the court on Plaintiff Michael Thomas Davitt's Motion to Effectuate Service of Process (#9), filed March 19, 2015. Plaintiff informs the Court that the United States Marshal was unable to effectuate service of process based on the information provided in Plaintiff's USM-285 forms. In its screening order (#5), the Court ordered Plaintiff to file notice within twenty (20) days receipt of the USM-285 showing whether service had been accomplished. Plaintiff was also instructed to identify Defendants that had been served and those that had not been served. To the extent Plaintiff sought an additional attempt on any unserved defendant, he was instructed to "file a motion with the Court identifying the unserved Defendant(s) and specifying a more detailed name and/or address for said Defendant(s), or whether some other manner of service should be attempted." (#5) at 7:3-6.

Plaintiff filed notice indicating that Defendant Dr. Mitzer, the only named defendant in this matter, has not been served. He asks that the Court direct the U.S. Marshal to make another attempt at service at the address previously listed on the form USM-285. The Court declines to reorder service based on the prior USM-285, but will send Plaintiff a new USM-285 to be provided to the U.S. Marshal to aid in the service of the summons and complaint on Defendant Dr. Mitzer. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Effectuate Service of Process (#9) is **denied without prejudice.**

9 **IT IS FURTHER ORDERED** that the Court, in its discretion, may order a *subpoena duces*
10 *tecum* to an appropriate entity in order to facilitate service if necessary.

11 Dated: April 6, 2015.

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